

Proposed Changes to Utah Underground Storage Tank Rules

Draft- for stakeholder comments. 10/6/03. Explanations of the proposed changes are italicized.

General- Several changes are made throughout the rules to improve punctuation and grammar, correct law, rule, and regulation citations, and be more correct and consistent in rule text formatting. Other changes are made to clarify the wording. The meaning remains the same, but the text is revised to be easier to read and understand.

R311. Environmental Quality, Environmental Response and Remediation.

R311-204. Underground Storage Tanks: Closure and Remediation.

R311-204-1. Definitions.

Definitions [~~for this rule~~] are found in Section R311-200.

R311-204-2. Underground Storage Tank Closure Plan.

(a) Owners or operators of all underground storage tanks or any portion thereof which are to be permanently closed or undergo change-in-service shall submit a permanent closure plan to the Executive Secretary of the Utah Solid and Hazardous Waste Control Board. The permanent closure plan shall be submitted by the owner ~~or operator~~ as fulfillment of the 30-day permanent closure notification requirement in accordance with 40 CFR 280 Subpart G.

(b) [~~Tanks which are~~] If a tank is to be removed as part of corrective action as allowed by 40 CFR 280 Subpart G, ~~the owner or operator is [are]~~ not required to submit a closure plan, but must meet the requirements of 40 CFR 280.66(d) before any removal activity takes place, and must submit a corrective action plan as required by 40 CFR 280.66.

(c) The ~~closure plan [must]~~ shall address applicable issues involved with permanent closure or change-in-service, ~~including [which includes]~~: tank disposal handling and final disposal site, product removal, sludge disposal, vapor purging or inerting, removing or securing [or] ~~and~~ capping product piping, removing vent lines or securing vent lines open, tank cleaning, environmental sampling, contaminated soil and water management, in-place tank disposal or tank removal, transportation of tank, permanent disposal and other disposal activities which may affect human health, human safety or the environment.

(d) No underground storage tank shall be permanently closed or undergo change-in-service prior to the owner[~~s~~] ~~or operator~~ receiving final approval of the submitted permanent tank closure plan by the Executive Secretary, except as outlined in Subsection R311-204-2(b). Closure plan approval shall be effective for a period of one year. If the underground storage tank has not been permanently closed or undergone change in service as proposed within one year following approval from the Executive Secretary, the plan must be re-submitted for approval, unless otherwise approved by the Executive Secretary.

(e) Permanent closure plans shall be prepared using ~~the current~~ approved form[s] according to guidance furnished by the Executive Secretary.

(f) [~~Approved permanent closure plans shall be on site during the entire closure activity. It is the responsibility of t~~] The owner or operator [~~to assure~~] shall ensure that the approved ~~permanent~~ closure plan and approval letter are on site during all closure activities.

(g) Any deviation[s] ~~from~~ or modification[s] to an approved closure plan must be approved by the Executive Secretary prior to implementation, and ~~must be~~ submitted in writing to the Executive Secretary.

(h) The Executive Secretary shall be notified at least 72 hours prior to the start of closure activities.

R311-204-3. Disposal.

(a) Tank labeling. All tanks which are permanently closed by removal must be labeled immediately after being [~~pulled~~] ~~removed~~ from the ground with the facility identification number and information about previously contained substances.

(1) Removed tanks which have contained motor fuels or other regulated products, except leaded motor fuels, must be labeled with letters at least two inches high which read:

"CONTAINED (UNLEADED GASOLINE, DIESEL OR OTHER AS APPROPRIATE), FLAMMABLE. REMOVED: MONTH/DAY/YEAR."

(2) Removed tanks which have contained leaded motor fuel, or whose service history is unknown, must be labeled with letters at least two inches high which read:

"CONTAINED LEADED GASOLINE. HEATING RELEASES LEAD VAPORS, FLAMMABLE. REMOVED: MONTH/DAY/YEAR."

(b) Removed tanks shall be expeditiously disposed of as regulated underground storage tanks by the following methods:

- (1) The tank may be cut up after the interior atmosphere is first purged or inerted.
- (2) The tank may be crushed after the interior atmosphere is first purged or inerted.
- (3) The tank may not be used to store food or liquid intended for human or animal consumption.
- (4) The tank may be disposed of in a manner approved by the Executive Secretary.

(c) Tank transportation. Used tanks which are transported on roads of the State of Utah must be cleaned inside the tank prior to transportation, and be free of all product, free of all vapors, or rendered inert during transport.

R311-204-4. Closure Notice.

(a) Owners or operators of underground storage tanks which ~~have been~~ were permanently closed or had a change-in-service prior to December 22, 1988 shall submit a completed closure notice, unless the tanks were properly closed on or before January 1, 1974.

(b) ~~The closure notice shall be submitted on the current approved closure notice form.~~

~~_____ (c)]~~ Owners or operators of underground storage tanks which ~~have been~~ are permanently closed~~;~~ had~~] or have~~ a change-in-service ~~[or temporary closed over 12 months duration,]~~ after December 22, 1988 shall submit a completed closure notice form and the following information within 90 days after tank closure:

(1) All results from the closure site assessment conducted in accordance with Section R311-205, including analytical laboratory results and chain of custody forms.

(2) Effective January 1, 1993, a site plat displaying depths and distances such that the sample locations can be determined solely from the site plat. The site plat ~~should~~ shall include: scale, north arrow, streets, property boundaries, building structures, utilities, underground storage tank system location, location of any contamination observed or suspected during sampling, location and volume of any stockpiled soil, the extent of the excavation zone, and any other relevant features. All sample identification numbers used on the site plat ~~must~~ shall correspond to the chain of custody form~~;~~ and the lab analysis report.

(c) Owners and operators of underground storage tanks that are temporarily closed for a period greater than three months shall submit a completed temporary closure notice within 120 days after the beginning of the temporary closure.

_____ (d) All closure notices for permanent and temporary closure shall be submitted on the current approved forms.

R311-204-4(c). The federal regulations (40 CFR 280.70) have requirements regarding tanks which are temporarily closed for three months or longer, but the state rules do not have any requirement that the owner/operator notify the DERR of the temporary closure status. Wording is added to require the owner/operator to submit a temporary closure notice within 120 days of the beginning of temporary closure, if the tank is temporarily closed for a period longer than three months.

R311-204-5. Remediation.

(a) Any UST release management, abatement, investigation, corrective action or evaluation activities performed for a fee, or in connection with services for which a fee is charged, must be performed under the supervision of a Certified UST Consultant, except as outlined in sections 19-6-402(6)(b)(i), 19-6-402(6)(b)(ii), and R311-204-5~~[(b)]~~.

(b) ~~[A]At the time of UST closure,~~ a certified UST Remover may overexcavate and properly dispose of up to 50 cubic yards of contaminated soil per facility, or another volume approved by the Executive Secretary, in addition to the minimum amount required for ~~[removal]closure~~ of the UST~~[-at the time of tank removal]~~. This overexcavation may be performed without the ~~[approval]supervision~~ of a certified UST Consultant. Appropriate confirmation samples must be taken by a certified groundwater and soil sampler in accordance with R311-201 for the purpose of determining the extent and degree of contamination.

KEY: hazardous substances, petroleum, underground storage tanks*

October 9, 1998

Notice of Continuation March 6, 2002

19-6-105

19-6-402

19-6-403